**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**
**ORDINARY ORIGINAL CIVIL JURISDICTION**

WRIT PETITION NO. 62 OF 2005

M/s. Moon International & Ors. .. Petitioners
V/s.
Union of India & Ors. .. Respondents

Mr. Arun H. Mehta i/b. M/s. Akshar Laws for the Petitioners
Mr. S.S. Pakale with Mr. Girish S. Kulkarni for the Respondents

**CORAM : S. RADHAKRISHNAN &**
**J.P. DEVADHAR, JJ.**
**DATED : 16.02.2005**

**P.C.:-**

1. Heard the learned counsel for the Petitioners and the learned counsel for the Respondents. By this Petition, the Petitioner is challenging the order dated 13.12.2004 passed by the Appellate Tribunal for Foreign Exchange, New Delhi. By the aforesaid order, the Appellate Tribunal Foreign Exchange, New Delhi directed the Petitioner to deposit 10% amount of the penalty as pre-deposit and the Tribunal has observed that the authorised banker certificate does not by itself establish proof of importing the goods.

2. Under these circumstances, we do not find anything perverse, illegal in the aforesaid pre-deposit order. The Petitioner is at liberty to establish genuineness of import of goods before the Appellate Tribunal. Time granted for deposit of pre-deposit of 10% amount of the penalty is extended by four weeks from today. The learned counsel for the Respondents states that no

further coercive measures will be adopted till then. The



Petition stands disposed of in the above terms. Issuance of Certified copy expedited.

**(S. RADHAKRISHNAN, J.)**

**(J.P. DEVADHAR, J.)**